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October 27, 2005

TO: Transportation Authority of Marin Commissioners

FROM: Dianne Steinhauser, Executive Director

RE: Conflict of Interest Designations - Agenda Item 14

Dear Commissioners:

Executive Summary

The attached resolution specifies disclosure categories for conflict of interest disclosures for TAM positions.

TAM adopted the administrative code on July 22, 2004 and subsequently approved an amendment to the code requiring adoption of a resolution specifying designated positions that are deemed to make, or participate in the making of, decisions that may foreseeably have a material effect on a financial interest. Also required in the resolution is the specification of a disclosure category for each position.

Attached is a resolution specifying designated positions and the designation of disclosure categories for each position.

Recommendation

Staff recommends that TAM:

1. Review and adopt the proposed resolution specifying designated positions and their disclosure categories.

Attachment: Resolution 2005-12

Resolution No. 2005-14

**A RESOLUTION OF THE TRANSPORTATION AUTHORITY OF MARIN
AMENDING A CONFLICT OF INTEREST CODE TO ADD NEW POSITIONS AND
DESIGNATIONS**

WHEREAS, the Political Reform Act, Government Code sections 81000 et seq., requires state and local government agencies to adopt Conflict of Interest Codes, and to review those codes every two years; and

WHEREAS, in 2004 the Transportation Authority of Marin ("TAM") adopted an Administrative Code containing the conflict of interest code pursuant to state law, and has determined that to remain in compliance with state law that code should be amended to add and designate positions;

WHEREAS, in October, 2005 TAM updated the Administrative Code to allow changes to designated positions and designated disclosure categories by resolution.

NOW, THEREFORE, BE IT RESOLVED that the positions of appointed committee members and consultants shall be added to the list of designated positions in Section 107.2 to report in both disclosure categories. Further, the code is hereby amended to designate disclosure categories for designated positions as follows:

<u>Designated Positions</u>	<u>Disclosure Categories</u>
Member of the Board of Commissioners	1, 2
Member of Appointed Committees	1, 2
Executive Director	1, 2
Consultants	*

*Consultants shall be included in the list of designated employees and shall disclose pursuant to the broadest disclosure category in the code, subject to the following:

The Executive Director may determine in writing that a particular consultant, although in a "designated position" is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements described in this section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of the disclosure requirements. The Executive Director's determination is a public record and shall be retained for public inspection in the same manner and location as this conflict of interest code.

PASSED AND ADOPTED at a regular meeting of the Transportation Authority of Marin, on the 27th day of October, 2005 by the following vote to-wit:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

STEVE KINSEY, CHAIR
TRANSPORTATION AUTHORITY OF MARIN

ATTEST:

Dianne Steinhauser
Executive Director

<u>Designated Positions</u>	<u>Disclosure Categories</u>
Member of the Board of Commissioners	1, 2
Member of Appointed Committees	1, 2
Consultants	*

*Consultants shall be included in the list of designated employees and shall disclose pursuant to the broadest disclosure category in the code, subject to the following:

The Chairperson may determine in writing that a particular consultant, although in a “designated position” is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements described in this section. Such written determination shall include a description of the consultant’s duties and, based upon that description, a statement of the extent of the disclosure requirements. The Chairperson’s determination is a public record and shall be retained for public inspection in the same manner and location as this conflict of interest code.

APPENDIX B

Disclosure Categories ¹

Category 1: Sources of income from, and investments and business positions in, business entities that engage in land development, construction, or the acquisition or sale of real property; and all interests in real property.

Category 2: Sources of income from, and investments and business positions in, business entities that provide services, supplies, material, machinery, or equipment of the type utilized by TAM or in projects funded by TAM.

¹ Only investments in and sources of income from business entities, and sources of income, which do business in the geographic area of the County, or real property interests located in the County, need to be reported.